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BEFORE THE ARIZONA CORPORATION COMMISSION

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2009 OCT -5 A 9:13

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF QWEST CORPORATION'S
PERFORMANCE ASSURANCE PLAN.

DOCKET NO. T-01051B-03-0859

PROCEDURAL ORDER

BY THE COMMISSION:

In Decision No, 70386 (June 13, 2008), the Arizona Corporation Commission ("Commission" directed the Utilities Division ("Staff") to investigate whether Arizona is able to join in a region-wide review of the Qwest Performance Assurance Plan ("QPAP") and Performance Indicator Definitions ("PIDs"), and if not, to recommend whether an Arizona-only review would be beneficial.

Staff engaged in discussion with the staffs of other state commissions participating in the Regional Oversight Committee ("ROC")¹ to determine if a region-wide review of the QPAP was practical. The ROC determined that the common interest in a QPAP and 6-month review warranted engaging a consultant with experience in evaluating such plans. In the fourth quarter of 2008, eleven states, including Arizona, agreed to authorize and fund a review by the Liberty Consulting Group ("Liberty").² An Arizona Staff member was a full participant in the project design, progress review and staff report finalization by Liberty.

On June 30, 2009, Liberty issued its final report.

On September 23, 2009, Staff filed its Staff Report, attaching the Liberty Report, and recommending that a Procedural Schedule be established allowing time for:

1. All parties in the docket to provide responses that affirm acceptance of the Liberty

¹ The ROC in an informal organization of state commissioners and staff from 14 states in the West and Midwest where Qwest is an incumbent local exchange carrier. The ROC allows the state regulatory commissions to share knowledge.

² The 11 states are Arizona, Colorado, Iowa, Idaho, Montana, North Dakota, Nebraska, New Mexico, South Dakota, Utah, and Wyoming.

1 Report recommendations or to recommend specific revisions;

2 2. Staff to submit an updated report integrating all responsive comments; and

3 3. A tentative hearing date, should one be deemed necessary to resolve any issues that
4 may arise.

5 Staff's Report indicates that Liberty submitted data requests to Qwest. Although not a
6 participant in the review, Qwest cooperated with Liberty's request for information. Liberty
7 contacted 92 CLECs; only 14 CLECs responded to Liberty's questionnaire. On April 23, 2009,
8 Liberty presented its initial conclusions and recommendations at the ROC staff meeting. On May 29,
9 2009, Liberty completed a draft report describing its analysis and explaining its conclusions and
10 recommendations. The draft report was sent to the ROC team, which then submitted comments and
11 suggestions. Liberty sent a draft report to Qwest on June 22, 2009. Liberty subsequently sent the
12 draft report to nine CLECs that provided input. After receiving comments and suggestions from the
13 ROC team, Qwest, and participating CLECs, Liberty completed the final report and submitted it to
14 ROC members on June 30, 2009.

15 The Liberty Report contains ten recommendations, six of which apply to Arizona. Staff states
16 Qwest and the participating CLECs were given many opportunities to provide input, and were
17 provided with a draft report on which they were able to comment. Staff states that neither Qwest nor
18 the CLECs have expressed opposition regarding the draft to Staff, and Staff has no reason to believe
19 that any parties are opposed to the immediate implementation of the recommendations pertaining to
20 Arizona in Liberty's report. Nonetheless, Staff believes the complexity of the report warrants final
21 confirmation of acceptance by the affected parties.

22 IT IS THEREFORE ORDERED that **interested parties shall file** statements of their
23 acceptance of the recommendations, and/or any specific recommended modifications or comments
24 concerning the final Liberty Report by **October 30, 2009**.

25 IT IS FURTHER ORDERED that **Staff shall file a final Staff Report**, incorporating any
26 comments received, and Staff's recommendations for Commission action, by **December 4, 2009**.

27 IT IS FURTHER ORDERED that although this Procedural Order is being sent to all parties
28 who have participated in the docket to date and all CLECs in Arizona, **parties who have not done**

so already, shall file a specific request to remain on the service list to receive future filings in this docket.

IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 5th day of October, 2009.

Jane L. Rodda / by Dn
JANEL L. RODDA
ADMINISTRATIVE LAW JUDGE

Copy of the foregoing mailed/delivered this 5th day of October, 2009, to:

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